

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,) No.
)
) v.)
) Violations: Title 18, United States Code,
) Sections 371 and 2; Title 42, United States
MOHAMMED GHEITH, and) Code, Sections 6928(d)(1), 6928(d)(2)(A), and
VISHNU GOR) 6928(d)(5)

COUNT ONE

The SPECIAL SEPTEMBER 2005 GRAND JURY charges:

1. At times material to this indictment:

a. Defendant VISHNU GOR was the owner, operator, and President of Overdale

Corporation in Alsip, Illinois (“Overdale”), and L. Carlton Mertz in Bedford Park, Illinois (“Mertz”).

b. Overdale and Mertz were corporations that engaged in the business of blending

chemicals to create industrial cleaners. During this manufacturing process, both Overdale and Mertz generated caustic and acidic wastes, meaning that Overdale and Mertz generated waste that had pH levels of either 12.5 or above (caustic) or 2.5 or below (acidic).

c. Defendant MOHAMMED GHEITH was the owner, operator, and President of

William H. Cooper Company, 816 North Spaulding Avenue, Chicago, Illinois, and was a partner in William H. Cooper, LLC, with a location at 6733 West 65th Street, Bedford Park, Illinois, and a location at 6755 West 65th Street, Bedford Park, Illinois (collectively known as “Cooper”).

d. Cooper was a business that engaged in packaging industrial cleaners and buying

and selling machinery.

e. From in or about April 2004 through in or about October 2004, defendant

MOHAMMED GHEITH allowed defendant VISHNU GOR to operate Mertz’s business out of Cooper’s

facility at 6733 West 65th Street, Bedford Park, Illinois.

f. Certain of the waste generated during Overdale's and Mertz's manufacturing process was designated as a "hazardous waste" under the Resource Conservation and Recovery Act ("RCRA"), Title 42, United States Code, Sections 6901 through 6992k. Under RCRA regulations promulgated by the United States Environmental Protection Agency ("EPA"), generators of hazardous waste such as Overdale and Mertz were generally required to transport their hazardous waste to a hazardous waste treatment, storage or disposal facility ("TSD facility") within 90 days of generating the hazardous waste, otherwise the generator would have to itself meet RCRA's requirements for becoming a licensed TSD facility. Pursuant to RCRA, the EPA authorized the Illinois Environmental Protection Agency ("IEPA") to regulate facilities in Illinois that treated, stored, transported or disposed of hazardous wastes, through IEPA regulations (hereinafter, the "Illinois RCRA regulations"). Pursuant to RCRA, the Illinois RCRA regulations were enforceable under federal law. None of the Overdale, Mertz, or Cooper facilities were licensed TSD facilities.

g. RCRA also regulates the manner in which hazardous waste is transported. Specifically, when hazardous waste is transported, it must be accompanied by paperwork known as a uniform hazardous waste manifest.

2. Beginning no later than August 2003, and continuing until on or about July 13, 2005, at Bedford Park, in the Northern District of Illinois, Eastern Division, and elsewhere,

MOHAMMED GHEITH, and
VISHNU GOR,

defendants herein, knowingly conspired with each other, with various employees of Overdale, Mertz, and Cooper, and with others known and unknown to the Grand Jury, to commit offenses against the laws of the United States, namely, by:

(a) knowingly transporting and causing to be transported RCRA hazardous wastes to a facility that did not have a treatment, storage, or disposal permit for hazardous waste issued under RCRA, in violation of Title 42, United States Code, Section 6928(d)(1);

(b) knowingly storing RCRA hazardous wastes at a facility that did not have a treatment, storage, or disposal permit for hazardous waste issued under RCRA, in violation of Title 42, United States Code, Section 6928(d)(2)(A); and

(c) knowingly transporting and causing to be transported without a hazardous waste manifest RCRA hazardous wastes, which hazardous wastes were required by RCRA to be accompanied by a manifest, in violation of Title 42, United States Code, Section 6928(d)(5).

3. It was part of the conspiracy that defendant VISHNU GOR instructed employees at both Overdale and Mertz to collect wastewater and “off-spec” or unusable product (“off-spec product”), some of which constituted hazardous waste, and to place the wastewater and off-spec product into drums and totes.

4. It was further part of the conspiracy that defendant VISHNU GOR instructed employees at Overdale and Mertz to collect and store numerous drums and totes of hazardous waste at the Overdale and Mertz facilities, rather than properly disposing of them, and thereafter stored many of the drums and totes at Overdale and Mertz for periods exceeding 90 days.

5. It was further part of the conspiracy that defendant MOHAMMED GHEITH agreed to permit defendant VISHNU GOR to store numerous drums and totes of hazardous waste generated at Overdale and Mertz at the Cooper facilities at 6733 West 65th Street and 6755 West 65th Street, Bedford Park, Illinois.

6. It was further part of the conspiracy that defendant MOHAMMED GHEITH, after agreeing to permit defendant VISHNU GOR to store hazardous waste at the Cooper facilities, thereafter accepted drums and totes of hazardous waste from defendant VISHNU GOR, some of which drums of hazardous waste were stored in a concealed room at the Cooper facility at 6755 West 65th Street, Bedford Park, Illinois, so the hazardous waste would not be detected.

7. It was further part of the conspiracy that when defendant VISHNU GOR caused hazardous waste to be transported to defendant MOHAMMED GHEITH's facilities, defendant VISHNU GOR did not provide uniform hazardous waste manifests to accompany the shipments, and instead sometimes caused fictitious bills of lading to be created to conceal the transportation of the hazardous wastes.

8. It was further part of the conspiracy that defendant MOHAMMED GHEITH concealed the storage of hazardous waste at the Cooper facilities from others, including the other partners of William H. Cooper LLC, so that defendant MOHAMMED GHEITH would not have to pay for the removal of the hazardous waste.

9. It was further part of the conspiracy that, in approximately July 2005, after the EPA discovered several drums and totes of hazardous waste at the Cooper facility at 6733 West 65th Street, defendant MOHAMMED GHEITH and defendant VISHNU GOR worked together to transport multiple drums of hazardous waste from the Cooper facility at 6755 West 65th Street to an empty parking lot that was not a licensed TSD facility, and did so without the required uniform hazardous waste manifests.

10. It was further part of the conspiracy that defendants concealed, misrepresented and hid, and caused to be concealed, misrepresented, and hidden, the existence and purpose of the conspiracy and the acts done in furtherance of the conspiracy.

OVERT ACTS

11. To effect the objects of the conspiracy, defendant MOHAMMED GHEITH and defendant VISHNU GOR, and others known and unknown to the Grand Jury, did commit the following overt acts, among others, in the Northern District of Illinois, Eastern Division, and elsewhere:

a. In or about August 2003, defendant VISHNU GOR supervised the transportation of numerous drums of wastewater and off-spec product, some of which contained hazardous waste, from Overdale to the Cooper facility at 6755 West 65th Street.

b. In or about August 2003, defendant VISHNU GOR instructed Overdale employees, including Individual A, to create false bills of lading for shipments of hazardous waste from Overdale to Cooper's facility at 6755 West 65th Street in order to disguise the fact that the contents of the shipments included hazardous waste.

c. In or about August 2003, defendant MOHAMMED GHEITH accepted delivery of numerous drums of wastewater and off-spec product from defendant VISHNU GOR, some of which drums contained hazardous waste.

d. In or about August 2003, defendant MOHAMMED GHEITH caused the drums received from defendant VISHNU GOR to be stored in a concealed room at the Cooper facility at 6755 West 65th Street.

e. In or about March 2004, defendant VISHNU GOR and defendant MOHAMMED GHEITH supervised the transportation of several hundred drums of wastewater and off-spec product, some of which contained hazardous waste, from Mertz to the Cooper facility at 6733 West 65th Street.

f. In or about March 2004, both defendant VISHNU GOR and defendant MOHAMMED GHEITH paid the truckdrivers who hauled the hazardous waste from Mertz to Cooper

in cash.

g. In or about July 2005, defendant MOHAMMED GHEITH and defendant VISHNU GOR assisted and instructed others to assist in loading multiple drums and containers of hazardous waste that had been located at 6755 West 65th Cooper facility onto trailers for transportation and deposit at a parking lot adjacent to the Mertz facility.

All in violation of Title 18, United States Code, Sections 371 and 2.

COUNT TWO

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

1. The allegations contained in paragraph 1 of Count One of this indictment are realleged and incorporated as if fully set forth herein.

2. In or about August 2003, in the Northern District of Illinois, Eastern Division,

VISHNU GOR,

defendant herein, knowingly transported and caused to be transported RCRA hazardous wastes consisting of waste chemicals from the Overdale facility in Alsip, Illinois to a Cooper facility at 6755 West 65th Street, Bedford Park, Illinois, which Cooper facility did not have a treatment, storage or disposal permit for hazardous waste issued under RCRA;

In violation of Title 42, United States Code, Section 6928(d)(1), and Title 18, United States Code, Section 2.

COUNT THREE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

1. The allegations contained in paragraph 1 of Count One of this indictment are realleged and incorporated as if fully set forth herein.
2. In or about August 2003, in the Northern District of Illinois, Eastern Division,

VISHNU GOR,

defendant herein, knowingly transported and caused to be transported without a uniform hazardous waste manifest RCRA hazardous wastes consisting of waste chemicals, from the Overdale facility in Alsip, Illinois, a Cooper facility at 6755 West 65th Street, Bedford Park, Illinois, which hazardous wastes were required by RCRA to be accompanied by a manifest;

In violation of Title 42, United States Code, Section 6928(d)(5), and Title 18, United States Code, Section 2.

COUNT FOUR

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

1. The allegations contained in paragraph 1 of Count One of this indictment are realleged and incorporated as if fully set forth herein.

2. In or about October 2003, in the Northern District of Illinois, Eastern Division,

VISHNU GOR,

defendant herein, knowingly stored RCRA hazardous wastes consisting of waste chemicals at the Mertz facility in Bedford Park, Illinois, which Mertz facility did not have a treatment, storage or disposal permit for hazardous waste issued under RCRA;

In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

COUNT FIVE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

1. The allegations contained in paragraph 1 of Count One of this indictment are realleged and incorporated as if fully set forth herein.
2. From in or about March 2004, to in or about March 2005, in the Northern District of Illinois, Eastern Division,

MOHAMMED GHEITH, and
VISHNU GOR,

defendants herein, knowingly stored RCRA hazardous wastes consisting of waste chemicals from Mertz, at the Cooper facility at 6733 West 65th Street, Bedford Park, Illinois, which Cooper facility did not have a treatment, storage or disposal permit for hazardous waste issued under RCRA;

In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

COUNT SIX

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

1. The allegations contained in paragraph 1 of Count One of this indictment are realleged and incorporated as if fully set forth herein.

2. In or about March 2005, in the Northern District of Illinois, Eastern Division,

MOHAMMED GHEITH,

defendant herein, knowingly stored RCRA hazardous wastes consisting of waste chemicals at the Cooper facility at 816 N. Spaulding, Chicago, Illinois, which Cooper facility did not have a treatment, storage or disposal permit for hazardous waste issued under RCRA;

In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

COUNT SEVEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

1. The allegations contained in paragraph 1 of Count One of this indictment are realleged and incorporated as if fully set forth herein.

2. In or about July 2005, in the Northern District of Illinois, Eastern Division,

MOHAMMED GHEITH, and
VISHNU GOR,

defendants herein, knowingly transported and caused to be transported without a uniform hazardous waste manifest RCRA hazardous wastes consisting of waste chemicals, from a Cooper facility at 6755 West 65th Street, Bedford Park, Illinois, to a parking lot at 6150 West 65th Street, which hazardous wastes were required by RCRA to be accompanied by a manifest;

In violation of Title 42, United States Code, Section 6928(d)(5), and Title 18, United States Code, Section 2.

COUNT EIGHT

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

1. The allegations contained in paragraph 1 of Count One of this indictment are realleged and incorporated as if fully set forth herein.

2. In or about July 2005, in the Northern District of Illinois, Eastern Division,

MOHAMMED GHEITH, and
VISHNU GOR,

defendants herein, knowingly transported and caused to be transported RCRA hazardous wastes consisting of waste chemicals, from a Cooper facility at 6755 West 65th Street, Bedford Park, Illinois, to a parking lot at 6150 West 65th Street, which parking lot did not have a treatment, storage or disposal permit for hazardous waste issued under RCRA;

In violation of Title 42, United States Code, Section 6928(d)(1), and Title 18, United States Code, Section 2.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY